

REMARKS

Reconsideration of the above-identified application in view of the amendment above and the remarks below is respectfully requested.

Claims 1, 3-5, 7-15, 18-19 and 23-50 have been canceled in this paper without prejudice or disclaimer of the subject matter thereof. Claims 2, 6, 16-17 and 20-22 have been amended in this paper. No new claims have been added in this paper. Therefore, claims 2, 6, 16-17 and 20-22 are pending and are under active consideration.

Claims 2-13, 15-27, 29-39 and 41-50 stand objected to because “claims 2-13, 15-27, 29-39, and 41-50 are dependent claims and depend from claims 1, 14, 28, and 40, respectively. The dependent claims should begin by reciting “[t]he method”, [t]he system”, or “[t]he computer program according to claim” 1, 14, 28, or 40.”

Insofar as the objection relates to claims 3-5, 7-13, 15, 18-19, 23-27, 29-39 and 41-50, the objection is moot in view of Applicants’ cancellation of these claims in this paper. Insofar as the objection relates to claims 2, 6, 16-17 and 20-22, Applicants respectfully traverse. Claims 2 and 16 have been rewritten in independent form. As a result, these claims are no longer dependent claims, and the basis for the objection no longer applies. Claims 6, 17 and 20-22 have been amended so that the indefinite article “a” recited in the preamble of each has been replaced with the definite article “the.” In view of the above, the basis for the objection has been overcome.

Accordingly, for at least the above reasons, the subject objection should be withdrawn.

Claims 1-13, 28-30 and 32-39 stand rejected under 35 U.S.C. 101 “because the claimed invention is directed to non-statutory subject matter.”

Insofar as the subject rejection relates to claims 1, 3-5, 7-13, 28-30 and 32-39, the rejection is moot in view of Applicants' cancellation herein of these claims. Insofar as the subject rejection relates to claims 2 and 6, Applicants respectfully traverse the subject rejection.

As best understood, the Patent Office is contending that, with respect to claims 1-13, "the claimed method steps describe nothing more than the manipulation of basic mathematical constructs, the paradigmatic 'abstract idea.'" The Patent Office further contends that "the claims do not recite tangible expression (i.e., real-world result) of generated ranking or advisory information, nor any recitation of an actual (i.e., concrete) result in a form useful to one skilled in the art."

Applicants respectfully disagree with the Patent Office's contention that the claimed method steps do not produce a useful result. Claim 2, from which claim 6 depends, clearly fulfills a long-felt need by medical practitioners for standardized systems of storing and organizing molecular diagnostic information to enable an accurate means of both diagnosing patient disease and recommending appropriate treatments.

Accordingly, for at least the above reasons, the subject rejection should be withdrawn.

Claims 1-50 stand rejected under 35 U.S.C. 112, first paragraph, "as failing to comply with the enablement requirement."

Insofar as the rejection relates to claims 1, 3-5, 7-15, 18-19 and 23-50, Applicants respectfully submit that the rejection is moot in view of Applicants' cancellation herein of these claims. Insofar as the rejection relates to claims 2, 6, 16-17 and 20-22, Applicants respectfully traverse the rejection. The rejection appears to be predicated on the contention that it would require undue experimentation to practice the claimed invention. Applicants respectfully disagree and

respectfully submit that the Patent Office has failed to prove that the amount of experimentation that is required is “undue.”

Accordingly, for at least the above reasons, the subject rejection should be withdrawn.

Claims 1-50 stand rejected under 35 U.S.C. 112, second paragraph, “as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.”

Insofar as the subject rejection relates to claims 1, 3-5, 7-15, 18-19 and 23-50, the rejection is moot in view of Applicants’ cancellation of these claims in this paper. Insofar as the subject rejection relates to claims 2, 6, 16-17 and 20-22, Applicants respectfully traverse and respectfully submit that the claims in question are definite.

Accordingly, for at least the above reasons, the subject rejection should be withdrawn.

Claims 1-50 stand provisionally rejected under 35 U.S.C. 101 “as claiming the same invention as that of claims 1, 4-16, 19-20, 23-34, 37-48, and 51-60 of copending Application No. 10/857,105.”

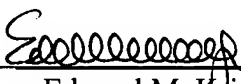
Insofar as the subject provisional rejection relates to claims 1, 3-5, 7-15, 18-19 and 23-50, the rejection is moot in view of Applicants’ cancellation of these claims in this paper. Insofar as the subject provisional rejection relates to claims 6 and 20-22, Applicants respectfully traverse the rejection. USSN 10/857,105 does not contain a claim that claims the same invention as any of claims 6 and 20-22. Insofar as the subject provisional rejection relates to claims 2, 16 and 17, Applicants respectfully request that the rejection be held in abeyance until one of the two allegedly conflicting applications is allowed.

In conclusion, it is respectfully submitted that the present application is now in condition for allowance. Prompt and favorable action is earnestly solicited.

If there are any fees due in connection with the filing of this paper that are not accounted for, the Examiner is authorized to charge the fees to our Deposit Account No. 11-1755. If a fee is required for an extension of time under 37 C.F.R. 1.136 that is not accounted for already, such an extension of time is requested and the fee should also be charged to our Deposit Account.

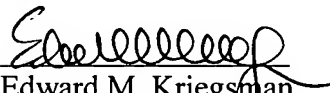
Respectfully submitted,

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I hereby certify that this correspondence is being deposited with the United States Postal Service as first class mail in an envelope addressed to: Mail Stop Amendment, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on July 23, 2007.


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